

FEB 22 2010

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

JEREMY A. HUTCHERSON,
Petitioner,

Civil Action No. 7:10-cv-00071

v.

FINAL ORDER

**JAMES BERKLEY PRIEST, et al.,
Respondents.**

By: Samuel G. Wilson
United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that Hutcherson's 28 U.S.C. § 2254 petition shall be and hereby is **DISMISSED without prejudice**, his motion to proceed in forma pauperis is **DENIED as moot**; and this action shall be **STRICKEN** from the active docket of the court.

The Clerk is directed to send a certified copy of this Order and accompanying Memorandum Opinion to the petitioner.

ENTER: This 22nd day of February, 2010.

United States District Judge